IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.930 OF 1999

The Acme Manufacturing Co.Ltd.

Gayatri Controls ...Petitioner

Versus

The Acme Manufacturing Co.Ltd. ...Respondent

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Mr.Pradeep Bakhru i/b Desai & Diwanji for Petitioner.

Ms.Shobha Pawar i/b Mr.R.T.Parekh for Respondents.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 17, 2007.

P.C.

1. Counsel for the Respondent Company submits that the Respondent Company has been merged in Millers India Ltd. As per the arrangement, the Petitioner has already been paid his dues to the extent of 50% as per the Agreement. Copy of the letter sent by the Petitioner’s partner to Millers

India Limited dated Nil along with the Bank account statement is placed on record, which supports that position.

2. Counsel for the Petitioner, however, submits that he has no instructions in this behalf. The document tendered by the Counsel for the Respondents is taken on record. In view thereof, nothing survives in this Petition. The same is disposed of. Papers be consigned to the record.

3. Indeed, it will be open to the Petitioner to get the Petition revived, in the event the statement made on behalf of the Respondents as recorded earlier is found to be incorrect.

A.M.KHANWILKAR, J.